

FINAL STATEMENT OF REASONS
FOR
PROPOSED BUILDING STANDARDS
OF THE
DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
REGARDING THE 2007 CALIFORNIA EXISTING BUILDING CODE (CEBC)
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 10

The Administrative Procedure Act requires that every agency shall maintain a file of each rulemaking that shall be deemed to be the record for that rulemaking proceeding. The rulemaking file shall include a final statement of reasons. The Final Statement of Reasons shall be available to the public upon request when rulemaking action is being undertaken. The following are the reasons for proposing this particular rulemaking action:

UPDATES TO THE INITIAL STATEMENT OF REASONS

(Government Code Section 11346.9(a)(1) requires an update of the information contained in the Initial Statement of Reasons. If the update identifies any data or any technical, theoretical or empirical study, report, or similar document on which the state agency is relying that was not identified in the Initial Statement of Reasons, the state agency shall comply with Government Code Section 11347.1)

No data or any technical, theoretical or empirical study, report, or similar document on which the state agency is relying has been added to the rulemaking file that was not identified in the Initial Statement of Reasons.

MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS

(Pursuant to Government Code Section 11346.9(a)(2), if the determination as to whether the proposed action would impose a mandate, the agency shall state whether the mandate is reimbursable pursuant to Part 7 of Division 4. If the agency finds that the mandate is not reimbursable, it shall state the reasons for the finding(s))

The Department of Housing and Community Development has determined that the proposed regulatory action would not impose a mandate on local agencies or school districts.

OBJECTIONS OR RECOMMENDATIONS MADE REGARDING THE PROPOSED REGULATION(S)

(Government Code Section 11346.9(a)(3))

No comments were received during the 45-day public comment period.

DETERMINATION OF ALTERNATIVES CONSIDERED AND EFFECT ON PRIVATE PERSONS

(Government Code Section 11346.9(a)(4))

The Department of Housing and Community Development has determined that no alternative considered would be more effective in carrying out the purpose for which the regulations are proposed or would be more effective and less burdensome to affected private persons than the adopted regulations.

Title 24 of the California Code of Regulations, known as the California Building Standards Code, is based upon model codes developed by private not-for-profit code organizations, which maintain a code development and update mechanism, publish and sell their codes, and provides support services.

The memberships of these organizations are composed of representatives of all facets of the building industry. They include contractors, inspectors, building officials, engineers, architects, firefighting officials, designers and consumers.

These private organizations issue new editions of their respective model codes every three years and California law requires HCD to propose for adoption these model codes with appropriate amendments as necessary.

Adoption of the Most Recent Codes

Health and Safety Code Section 17922 directs the Department of Housing and Community Development (HCD) to adopt Appendix Chapter A of the most recent edition of the Uniform Code for Building Conservation (UCBC) published by the International Conference of Building Officials (ICBO) into Part 10 of Title 24 of the California Code of Regulations (CCR). Following the publication of the 1997 UCBC, ICBO notified HCD and the California Building Standards Commission (CBSC) that ICBO will no longer publish the UCBC. Pursuant to the court case International Association of Plumbing and Mechanical Officials v. California Building Standards Commission (1997) 55 Cal.App.4th 245 (Ct of Appeal 3rd Dist CA), the CBSC is not limited to the statutorily identified model codes in Health and Safety Code section 17922.

Adoption of the 2006 International Existing Building Code (IEBC)

In 2005, HCD determined that it would adopt the most recent edition of the International Existing Building Code (IEBC) with amendments, if necessary, consistent with its statutory obligations and authority.

The model code, with proposed amendments, shall be known as the 2007 California Existing Building Code (CEBC) and will be placed in Title 24, Part 10 of the CCR.

REJECTED PROPOSED ALTERNATIVE THAT WOULD LESSEN THE ADVERSE ECONOMIC IMPACT ON SMALL BUSINESSES

(Government Code Section 11346.9(a)(5))

No proposed alternatives were received by the Department of Housing and Community Development that would lessen the adverse economic impact on small businesses.